

Order

Michigan Supreme Court
Lansing, Michigan

January 11, 2008

Clifford W. Taylor,
Chief Justice

134922

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellant,

v

SC: 134922
COA: 269919
Ingham CC: 05-000749-FC

MONTREAL DARNELL CHRISTIAN-BATES,
Defendant-Appellee.

On order of the Court, the application for leave to appeal the September 13, 2007 judgment of the Court of Appeals is considered and, pursuant to MCR 7.302(G)(1), in lieu of granting leave to appeal, we VACATE the judgment of the Court of Appeals and we REMAND this case to the Court of Appeals for reconsideration. On remand, the Court of Appeals shall address whether the trial judge's admitted error in cutting off defense counsel's closing argument was harmless, taking into consideration that the defendant admitted shooting at the victim, the only question for the jury was the defendant's intent, and the defendant was convicted of the lesser offense of assault with intent to do great bodily harm.

We do not retain jurisdiction.

CAVANAGH, J., would deny leave to appeal.



d0108

I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

January 11, 2008

Corbin R. Davis

Clerk